

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE BARRY WHITE FAMILY	:	Case No. 1:24-cv-07509
TRUST U/A/D: DECEMBER 19, 1980,	:	
BY ITS DULY EMPOWERED TRUSTEES,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
JOE COOLEY,	:	
RODNEY DAVID OLIVER P/K/A	:	
RODNEY-O, d/b/a NOT INTRESTED PUBLISHING	:	
	:	
Defendants.	:	
	:	
	:	
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DECLARATION OF TIMOTHY C. MATSON PURSUANT TO LOCAL RULE 1.4

TIMOTHY C. MATSON respectfully declares under penalty of perjury pursuant to 28 U.S.C. §1746 that the following is true and correct:

1. I am Counsel at the law firm of Fox Rothschild LLP (“Fox Rothschild”) and am admitted *pro hac vice* to practice before this Court.
2. I am counsel for Defendants Joe Cooley and Rodney David Oliver P/K/A Rodney-O, D/B/A Not Intrested Publishing (“Defendants”) in the above-captioned pending action.
3. I submit this Declaration in support of Fox Rothschild’s motion to withdraw as counsel to Defendants pursuant to Local Rule 1.4.
4. Defendants retained Fox Rothschild as litigation counsel to defend against Plaintiffs’ claims in this action.

5. On October 3, 2024, Plaintiffs filed this action against Defendants by way of Complaint. *See* ECF No. 1. On December 3, 2024, Defendants filed a motion to dismiss. *See* ECF No. 24. In response, Plaintiffs filed an Amended Complaint. *See* ECF No. 27. Defendants filed a second motion to dismiss the Amended Complaint and Plaintiffs filed an opposition. *See* ECF Nos. 29-33, 38.

6. Pursuant to Order of this Court dated March 13, 2025, Defendants' deadline to file a reply was extended to April 4, 2025. *See* ECF No. 40.

7. On March 5, 2025, Necole Key – a business associate of Defendants' – filed a motion before this Court seeking to intervene and requesting an amalgam of other relief. *See* ECF No. 34.

8. On March 13, 2025, Defendants' counsel advised the Court it would be filing a motion to withdraw as counsel. *See* ECF No. 39.

9. On March 14, 2025, Necole Key further filed a "urgent motion to address attorney misconduct, collusion, and fraudulent litigation." *See* ECF No. 34.

10. Fox Rothschild seeks the Court's permission to withdraw as counsel for Defendants consistent with United States District Court Southern District of New York Local Rule 1.4 and New York Rules of Professional Conduct Rule ("RPC") 1.16(c) because various issues have resulted in the breakdown of the attorney client relationship, including with respect to the recent filings of Defendants' business associate, Necole Key, and the allegations lodged therein.

11. These irreconcilable differences have rendered Fox Rothschild's representation of Defendants difficult and renders continuation as counsel in this action impracticable.

12. Fox Rothschild's withdrawal as counsel to Defendants at this stage of the litigation will not pose an adverse effect on the interests of Defendants.

13. Fox Rothschild has provided Defendant Oliver with notice that it intended to seek to withdraw as counsel in this action. Defendant Cooley is also being served a copy of this motion to withdraw upon filing.

14. Fox Rothschild is not asserting a charging lien.

15. Fox Rothschild respectfully requests that this Court stay this action for thirty (30) days to allow Defendants to obtain new counsel. I note that Defendant Rodney Oliver has filed a notice of *pro se* appearance (*see* ECF No. 42) but nonetheless respectfully request the stay regardless to ensure that Defendants have an opportunity to retain new counsel if they so decide.

16. Should the Court require additional information to decide this motion, alternatively, Fox Rothschild requests permission to submit a supplement to this application *ex parte* pursuant to Local Rule 6.1(d). There are good and sufficient reasons to submit this application *ex parte* because of the confidential nature of the attorney-client relationship.

17. In accordance with Local Rule 1.4(b), Fox Rothschild will serve a filed copy this motion to withdraw and supporting papers upon Defendants via electronic mail, U.S. Mail, and/or overnight delivery. An affidavit of service will be filed after submission of this motion.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: March 21, 2025

Respectfully submitted,

FOX ROTHSCHILD LLP

By 

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